

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MICHAEL COTTON,)	
)	
Petitioner,)	
)	
v.)	No. 4:16-CV-358 DDN
)	
IAN WALLACE,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

This matter is before the Court on review of the petition by Michael Cotton for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. It appears that the petition is successive.

Petitioner was convicted of first-degree murder and armed criminal action for crimes he committed as a juvenile. *Missouri v. Cotton*, No. 22951-3000 (St. Louis City). On January 31, 1997, the court sentenced him to life imprisonment without the possibility of parole. After his appeals were denied, he sought habeas relief in this Court. *Cotton v. Roper*, No. 4:03-CV-407 DJS. The Court denied the petition, and petitioner was not given a certificate of appealability.

In this case, petitioner challenges the same conviction and sentence under *Miller v. Alabama*, 132 S.Ct. 2455 (2012), which held that juveniles may not be sentenced to life imprisonment without the possibility of parole. To the extent that petitioner seeks to relitigate claims that he brought in his original petition, those claims must be denied pursuant to 28 U.S.C. § 2244(b)(1). To the extent that petitioner seeks to bring new claims for habeas relief, petitioner must obtain leave from the United States Court of Appeals for the Eighth Circuit before he can bring those claims in this Court. 28 U.S.C. § 2244(b)(3)(A). It does not appear that petitioner

sought leave from the Court of Appeals before bringing this action. Therefore, petitioner must show cause why this action should not be dismissed or transferred to the Court of Appeals.

IT IS HEREBY ORDERED that petitioner must show cause, no later than fourteen (14) days from the date of this Order, why this action should not be dismissed or transferred to the Court of Appeals.

Dated this 17th day of May, 2016.

/s/ David D. Noce
UNITED STATES MAGISTRATE JUDGE